



**Department of Corrections**  
**ADMINISTRATIVE BULLETIN**

**Subject: SEXUAL HARASSMENT**

**Number:**

**90/43**

**Date Issued:**

**May 29, 1990**

**Cancelled Effective:**

It is the policy of the California Department of Corrections (CDC) to maintain a work environment free of discrimination. The work environment should assure fair and courteous treatment to all employees and the public. Sexual harassment is a form of discrimination. Sexual harassment in the work environment is unacceptable conduct and will not be tolerated. The CDC prohibits any employee conduct that is discriminatory and will take necessary action.

Departmental employees are at all times expected to adhere to a standard of conduct that is respectful and courteous to other employees within the work environment (off duty activities which affect the work environment are also included). This Department will not tolerate any form of sexual harassment or other activity that is demeaning to an employee. Legal action can be justified when sexual harassment is sufficiently severe or pervasive to alter the conditions of employment and create an abusive working environment.

Sexual harassment is defined as: 1) influencing, offering to influence or threatening the career, pay or job of another person - woman or man - in exchange for sexual favors; or 2) deliberate or repeated offensive comments gestures or physical contact of a sexual nature in a work or work-related environment.

Behavior which constitutes sexual harassment includes, but is not limited to:

1. Submission to the conduct when the conduct is either an explicit or implicit term or condition of employment (e.g., derogatory comments, suggestive or obscene letters, notes or invitations).
2. Submission to or rejection of the conduct when used as a basis for an employment decision affecting the person rejecting or submitting to the conduct (e.g., withholding support from appointment, promotion, change of assignment, suggestion of a poor performance report or probationary failure).
3. Such conduct or communication has the purpose or effect of substantially interfering with an affected person's work performance or creating an intimidating, hostile or offensive work environment (e.g., favorable performance evaluations, duties, shifts, recommendations, or reclassification).
4. Physical harassment, e.g., impeding or blocking movement, gestures, or any physical interference with normal work or movement



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The following behavior by Department supervisors and managers also constitutes sexual harassment:

1. Failure to take corrective action when the supervisory or managerial employees knew or reasonably should have known that any employee in the line of supervision is being subjected to sexual harassment on the job by anyone.
2. Retaliation against any employee or applicant for employment who complained of sexual harassment or who assisted or participated in any manner on behalf of a complainant in an investigation, hearing or proceeding conducted as a result of an alleged sexual harassment.

Prohibition of sexual harassment is established under Title VII, 1964 Civil Rights Act; Government Code 12940; and the Department of Fair Employment and Housing Regulation 7287.6.

Prevention is the best tool for elimination. If an employee feels he or she has been subjected to sexual harassment, he or she should follow the Department's discrimination complaint process, as outlined in the departmental Administrative Manual.

Please see that all personnel concerned are informed of the contents of this bulletin. For further information, please contact Ms. Marcella Flores, Assistant Director, Affirmative Action Office, at (916) 322-9520 or ATSS 492-9520.

R. H. DENNINGER  
Chief Deputy Director